

City of Kerrville Planning & Zoning Commission Agenda

Thursday, March 15, 2007, 4:30p.m.*

City Hall City Council Chambers, 800 Junction Highway, Kerrville, TX

The meeting place has wheelchair accessibility and available accessible parking spaces. Please call the City of Kerrville Planning Division at (830) 792-8354 forty-eight hours (48) before the meeting to request accommodations.

1. *4:15 p.m. Pre-Meeting Session, City Council Chambers

Review of today's agenda items between Staff and the Commission. No action will be taken and there is to be no discussion between the Commission and the applicant(s) or other audience.

2. 4:30 p.m. Call to Order

Chairperson calls the meeting to order; roll call.

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3. Visitor/Citizens' Forum

Any person with business not scheduled on the agenda is encouraged to briefly speak their ideas to the Commission. Please fill out the SPEAKER REQUEST FORM and give it to the Commission's Secretary prior to the meeting. (No formal action can be taken on these items as the Open Meetings Act requires formal action items be posted on an agenda no later than 72 hours before the meeting. If formal action is required, the items will be placed on an agenda for a future meeting.)

4. Consent Agenda

All items listed below in the consent agenda are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a Commissioner or citizen so requests; in which case the item(s) will be removed from the consent agenda and considered separately.

4A. Approve the minutes from the meeting of February 12, 2007 and March 1, 2007.

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5. Public Hearing - Replat

5A. Replat: Gilkey Addition – A replat of Block 38, Lots 1, 2 and 3, J.A. Tivy's First Addition, 0.74 acres located at 1212 Park Street. Zoned: C 17. Applicant: Guadalupe Survey Company. (File No. 2007-11)

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6. Action Items

6A. Preliminary Plat: Cutoff Business Park, Phase Two – A fifteen (15) lot 9.37 acre non-residential development located at the southeast corner of Greenwood Drive and Goat Creek Cutoff Road, fronting the southeast side of Goat Creek Cutoff Road. Zoned: ETJ. Applicant: Guadalupe Survey Company for Stephen Jenschke. (File No. 2007-09)

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6B. Preliminary Plat/Variance Request: Wenzel Tract – A preliminary plat for a fifty-five (55) lot 301 acre single family development generally located along the northeast extension of Coronado Drive and west of Harper Road and a variance to Article 10-IV-3A(5 and 6) of the subdivision regulations. Zoned: ETJ. Applicant: Matkin-Hoover Engineering for Phoenix Summit Ltd. (File No. 2007-14)

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7. Staff Reports

7A. Future Agenda Items/Project Update Applicant: Senior Planner.

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8. Adjourn - The next scheduled meeting is Thursday, April 5, 2007.

**BUSINESS OF THE PLANNING AND ZONING COMMISSION
CITY OF KERRVILLE, TEXAS**

AGENDA ITEM: 4A **FOR AGENDA OF:** March 15, 2007

DESCRIPTION: Approval of the minutes from the meeting of February 1, 2007.

APPLICANT(S): Planning and Zoning Commission Secretary

ATTACHMENT(S): Minutes

The Commission's Secretary recommends approval of the proposed minutes.

MEMBERS PRESENT:

Mack Hamilton, Chairperson
Jim Kessler, Vice Chairperson
Harold Buell, Commissioner
Bruce Motheral, Commissioner
Andy Phillips, Commissioner
Carl Meek, Ex-Officio City Councilperson
Paul Hofmann, Ex-Officio City Manager

MEMBERS ABSENT:

STAFF PRESENT:

Trina Ramirez, Planning and Zoning Commission Secretary
Gordon Browning, Senior Planner
Michael Wellborn, City Engineer
Steve Chapman, Fire Marshal
Kevin Coleman, Director of Development Services
Charlie Hastings, Public Works Director

1. CALL TO ORDER:

Chairperson Mack Hamilton, called the Kerrville Planning and Zoning Commission regular meeting to order at 3:04 p.m. on February 1, 2007 in the City Hall Council Chambers, 800 Junction Highway.

2. Public Hearing/Consideration

2A. Thoroughfare Plan Amendment – Consideration of a recommendation to the City Council of a request to amend the City of Kerrville Thoroughfare Plan for THE 325 acre Wenzel/Hartman tracts adjacent to the City Limits, generally located along the northeast extension of Coronado Drive and west of Harper Road. Zoned: ETJ Applicant: Matkin-Hoover Engineering and Surveying for Phoenix Summit, Ltd. (File No. 2007-10)

Comr. Phillips excused himself from the Commission during this item due to conflict of interest with the Thoroughfare Plan Amendment. Comr. Phillips previously filed the proper form with the City.

Mr. Browning presented the findings of facts to the Commission.

Mike Wellborn, City Engineer, gave a brief overview of concerns regarding the Thoroughfare Plan Amendment. The Thoroughfare Plan does not dictate a linement, it provides mobility solutions.

Cmr. Hamilton opened the public hearing at 3:09p.m.

After questions from the Commission, John-Mark Matkin of Matkin Hoover Engineering discussed the removal of the two collector road connections from the property they are proposing to develop. An extension of Doris Drive east to Harper Rd and Glenview Drive north to the Doris Drive extension and replace them with an east-west collector road from the planned intersection of Wren Lane and IH-10 to the current intersection of Harper Road and IH-10, running adjacent to IH-10. The proposed development will not generate a lot of traffic due to the proposed density.

Mike Wellborn, City Engineer, stated that there will be a gap in the collector road network if this proposal is approved, but we can alleviate it if we have a connection between Coronado Road and Harper Road and a connection from Rim Road.

Mike Coward, Area Engineer for Texas Department of Transportation, gave a review of project that TX DOT has planned for the future. Mr. Coward gave his opinion on the traffic that already exists on Harper Rd.

Paul Hoffmann, City Manager, state that the Thoroughfare Plan is designed to preserve corridors for future mobility needs in the area. Mr. Hoffman suggested that the developer show Staff and Commissioners that the removal of the corridors for the system will not have a negative impact on the area.

Rit Jones, Representing Phoenix Development, stated that this is the first time that an alternative has been provided with the request to amend the Thoroughfare Plan. The proposal moves traffic from the central part of the city out and up to the interstate.

Carl Meek stated that the development would have a larger economic impact on our area. This is a desirable project and we should find a way to make it work. The burden for this, circulation should not be on the developer.

Cmr. Buell moved for approval to remove the extension of Doris Drive east to Harper Road and an extension of Glenview Drive north to the Doris Drive extension from the Thoroughfare Plan; motion was second by Cmr. Hamilton and passed 3-0-1 with Cmr. Kessler sustaining.

3. Adjournment The next regularly scheduled meeting is February 15, 2007.

The meeting adjourned at 4:20 p.m.

ATTEST:

Mack Hamilton, Chairperson

Trina Ramirez, Recording Secretary

**BUSINESS OF THE PLANNING AND ZONING COMMISSION
CITY OF KERRVILLE, TEXAS**

AGENDA ITEM: 4A **FOR AGENDA OF:** March 15, 2007

DESCRIPTION: Approval of the minutes from the meeting of March 1, 2007.

APPLICANT(S): Planning and Zoning Commission Secretary

ATTACHMENT(S): Minutes

The Commission's Secretary recommends approval of the proposed minutes.

PRE-MEETING:

On March 1, 2007 the Kerrville Planning and Zoning Commission pre-meeting was called to order at 4:21p.m. in the City Hall Council Chambers, 800 Junction Highway.

MEMBERS PRESENT:

Mack Hamilton, Chairperson
Jim Kessler, Vice Chairperson
Harold Buell, Commissioner
Bruce Motheral, Commissioner
Andy Phillips, Commissioner
Carl Meek, Ex-Officio City Councilperson
Paul Hofmann, Ex-Officio City Manager

MEMBERS ABSENT:

STAFF PRESENT:

Gordon Browning, Senior Planner
Trina Ramirez, Planning and Zoning Commission Secretary
Kevin Coleman, Director of Development Services
Steve Chapman, Fire Marshal
Mike Wellborn, City Engineer

DISCUSSION OF AGENDA ITEMS FOR THE REGULAR MEETING:

The Commissioners and Senior Planner discussed the items on the agenda.
The pre-meeting adjourned at 4:26 p.m. No action was taken.

1. CALL TO ORDER:

On March 1, 2007, the Kerrville Planning and Zoning Commission regular meeting was called to order at 4:30 p.m. in the City Hall Council Chambers, 800 Junction Highway.

2. VISITOR/CITIZENS FORUM:

No person spoke.

3. CONSENT AGENDA:

3A. Approval of the minutes from the meeting of February 15, 2007.

Com. Motheral moved for approval of the consent agenda; motion was seconded by Com. Kessler and passed 5-0.

4. Public Hearing

4A. Zoning Code Amendment Request – Consideration of a recommendation to the City Council of a request to extend the time a travel trailer or recreational vehicle may be located on property used for the seasonal sale of holiday trees. Applicant: Daryll and Elaine Smith c/o Holiday Hills. (File No. 2007-12)

Cmr. Hamilton opened the public hearing at 4:31p.m.

Mike Biggs, the representative of the owner of Holiday Hills, gave a brief statement requesting the R/V trailer dates be changed to November 5th instead of November 15th due to security reasons and the time needed to set up inspections and the time the tree are delivered.

Cmr. Hamilton closed the public hearing at 4:34p.m.

Cmr. Phillips moved to recommend to the City Council approval of the draft ordinance; motion was seconded by Cmr. Buell and passed 5-0.

4B. Zoning Change Request – Consideration of a recommendation to the City Council of a request to change the zoning from R3 (Multifamily Residential District) to a PDD (Planned Development District) to allow a mixed use development on 25 acres located generally south of the Bandera Hwy (SH 173) and Medina Hwy (SH 16), fronting the east side of Medina Hwy (SH 16). Zoned: R3. Applicant: Vordenbaum Engineering, Inc., for B-Bach Development. (File No. 2007-06)

Cmr. Hamilton excused himself from the Commission during this item due to a conflict of interest with the Zoning Change Request Cmr. Hamilton previously filed the proper form with the City.

Lane Prickett, Principle of B-Bach development, gave brief statements on the proposed use, entrances that will be used. Discussed the zoning change to plan development district for mixed use, Parcel D will be multifamily, parcel A & B will be retail, and parcel C will be profession and medical offices.

Cmr. Kessler opened the public hearing at 4:40p.m.

Scott Peschel, representing the homeowners adjacent to the subject tract, gave issues concerning the zoning change due to it goes against the Comprehensive Plan, utilities that will be used, drainage, lack of information regarding parcel A & B, and boundary line to separate residential and commercial. Requested more time to look at the development before approval.

The following individuals gave testimony opposing the Planned Development district allowing multifamily and mixed use. Issues included the lack of privacy, decrease in property value, utilities, broadness of the usage, density, parking, ingress and egress, traffic and drainage. They also requested a more detailed plan of the proposed Development.

Carol Arnold, 228 Highridge Dr, Kerrville TX
Elizabeth B Williams, 220 Highridge Dr, Kerrville, TX

Bryant Williams, 292 Overlook Dr, Kerrville TX
David Williams, 304 Overlook Dr, Kerrville, TX
Claire Mitchell, 241 Highridge Dr, Kerrville, TX
Carrie Torti, 294 Overlook Dr, Kerrville, TX

Cmr. Kessler closed the public hearing at 5:08 p.m.

Dwane Machann, Attorney representing the developers, gave a brief statement that $\frac{3}{4}$ of the development is not being rezoned. They have eliminated things that might be objectionable to the neighborhood. The issues concerning density, development, utilities, and drainage issues are site development plan issues not a zoning change issues. The developer is willing to consider a buffer along parcel A. He also stated that the property next to this development is zoned for 34-S which allows a lot more activity to be developed there.

Cmr. Kessler called for a break at 5:40 p.m.; Cmr. Kessler recalled the meeting at 5:46 p.m.

Dwane Machann, proposed to postpone the Commissions decision to give the applicant some time to meet with the Highridge residence to see if they can resolve there concerns.

Cmr. Phillips moves that the action be postponed for a period sufficient to allow the parties to get together and discuss the various point of interest that they might have, with the recommendation that staff be involve in those negotiations; motion was seconded by Cmr. Motheral and passed 4-0.

Cmr. Hamilton returned to the Commission at 5:50 p.m. subsequent to the item regarding the Zoning Change Request.

4C. Conditional Use Permit (CUP) Request – Consideration of a recommendation to the City Council of a request for a CUP to allow a bed and breakfast on 0.15 acres located at 1407 Vesper Drive. Zoned: R1. Applicant: Charles and Kay Bocock. (File No. 2007-08)

Cmr. Hamilton opened the public hearing at 6:00 p.m. No person spoke. Cmr. Hamilton closed the public hearing at 6:01 p.m.

Kay Bocock, Owner and Applicant, gave a brief statement on the reasoning for the Bed and Breakfast and described the area. Discussed the parking for the residence.

Cmr. Motheral moved to recommend to the City Council approval of the C.U.P; as submitted; motion was seconded by Cmr. Kessler and passed 5-0.

5. Subdivision Regulation Waiver Request

5A. Waste Water and Sewage Disposal System Waiver Request – Consideration of a recommendation to the City Council of a request to waive the requirement of residential subdivisions to connect to City owned sewage disposal mains when located within 2000-feet of the subdivision. Applicant: Matkin-Hoover Engineering and Surveying for Phoenix Summit Ltd. (File No. 2006-37)

Cmr. Phillips excused himself from the Commission during this item due to a conflict of interest with the Waste Water and Sewage Disposal System Waiver Request Cmr. Phillips previously filed the proper form with the City.

Mr. Browning presented the finding and facts to the Commission and gave a brief statement regarding septic tank installation.

Jimmy Spaulding, discussed concerns that this development is not hook up to the City's sewer system could cause pollution to the environment and rivers.

Mr. Browning responded that the applicant is dealing with thousands of feet of on and off on site sewer mains, and lift stations. The sizes of the lots for this development are bigger and the cost of sewer and water up and down hills is expensive.

Carl Meek and the Commission discussed the purpose for the Waste Water and Sewage disposal System Waiver Request.

Ruth Spaulding, discussed concerns regarding to this development not being annexed before the waiver of wastewater and sewage disposal.

Cmr. Motheral moved for approval of the Waste Water and Sewage Disposal System Waiver Request; as submitted; motion was seconded by Cmr. Buell and passed 4-0.

Cmr. Phillips returned to the Commission at 6:20 p.m. subsequent to the item regarding the Waste Water and Sewage Disposal System Waiver Request.

6. Staff Report

7A. Future agenda items. Applicant: Senior Planner.

Mr. Browning informed the Commission of items for future agenda.

7. Adjournment The next regularly scheduled meeting is April 5, 2007.

The meeting adjourned at 6:21 p.m.

ATTEST:

Mack Hamilton, Chairperson

Trina Ramirez, Recording Secretary

**BUSINESS OF THE PLANNING AND ZONING COMMISSION
CITY OF KERRVILLE, TEXAS**

AGENDA ITEM: 5A **FOR AGENDA OF:** March 15, 2007

DESCRIPTION: **Public Hearing: Replat – Gilkey Addition** – A replat of Block 38, Lots 1, 2 and 3, J.A. Tivy's First Addition, a 0.79 acre tract located at 1212 Park Street. Zoned: C 17. (File No. 2007-11)

APPLICANT(S): Guadalupe Survey Company

ATTACHMENT(S): Plat

SUMMARY STATEMENT – FINDING OF FACT

Project Timeline:

- February 12, 2007 – Replat application submitted to City.
- February 28, 2007 – Development Review Committee (DRC) process completed.
- March 6, 2007 – Staff review comments sent to applicant.
- **March 15, 2007** – **Consideration of replat by Commission.**

Summary:

- Applicant proposes a replat of three (3) lots into two (2) lots.
- Proposed Lot 2 is currently developed with a single-family residence.

RECOMMENDED ACTION

Staff recommends approval of the preliminary replat subject to the following conditions;

1. Remove physical features from the final plat,
2. Provide owner(s) name(s) in the dedication certificate and signature block, and
3. Conformance with the Parkland dedication Ordinance as required by Article 10-IV-3 (C) 1 as may apply.

**BUSINESS OF THE PLANNING AND ZONING COMMISSION
CITY OF KERRVILLE, TEXAS**

AGENDA ITEM: 6A **FOR AGENDA OF:** March 15, 2007

DESCRIPTION: **Preliminary Plat: Cutoff Business Park, Phase Two** – A request for a fifteen (15) lot 9.37 acre non-residential development located at the southeast corner of Greenwood Drive and Goat Creek Cutoff Road, fronting the southeast side of Goat Creek Road. Zoned: ETJ. (File No. 2007-09)

APPLICANT(S): Guadalupe Survey Company for Stephen Jenschke

ATTACHMENT(S): Plat

SUMMARY STATEMENT – FINDING OF FACT

Project Timeline:

- February 1, 2007 – Plat application submitted to City.
- February 28, 2007 – Development Review Committee (DRC) process completed.
- March 6, 2007 – Staff review comments sent to applicant.
- **March 15, 2007** – **Consideration of preliminary plat by Commission.**

Summary:

- Applicant is proposing a fifteen (15) lot non-residential development in the ETJ.
- Water service will be provided by a community water system, sewage disposal will be by private on-site systems. Kerr County Environmental Health Department has reviewed and approved this development for on-site systems, see plat note.
- The proposed development fronts and will access Goat Creek Cutoff Road, a Secondary Arterial on the City's Thoroughfare Plan.
- Street name approval and the assignment of addresses for this development will be by Kerr 911.

RECOMMENDED ACTION

Staff recommends approval of the preliminary plat as submitted, subject to the following conditions;

1. Per the Thoroughfare Plan, an additional 10-feet of right-of-way will be required along Goat Creek Cutoff Road, a secondary arterial has a total right-of-way of 86-feet,
2. Show all existing and proposed easements on the plat with dimensions,
3. Show Lot 6, Detention Pond Site, as a "Detention Area Easement",

4. Provide a note on the plat stating ownership and maintenance responsibilities for the drainage easements shown,
5. Provide a standard "engineering" scale,
6. Correct signature blocks to show current year, i.e. 2007,
7. Modify City Engineer signature block to remove "utilities",
8. Remove "Planning Director" from Planning and Zoning Commission signature block,
9. "Certificate of Ownership and Dedication", modify statement to remove establishment of building lines and dedication of streets, alleys, parks, etc.
10. Any addition and/or alterations to the engineering plans as may be required by the City Engineer, and
11. Conformance with the Parkland dedication Ordinance as may be required by Article 10-IV-3 (C)1.

**BUSINESS OF THE PLANNING AND ZONING COMMISSION
CITY OF KERRVILLE, TEXAS**

AGENDA ITEM: 6B **FOR AGENDA OF:** March 15, 2007

DESCRIPTION: **Preliminary Plat/Variance request: Wenzel Tract** – Consider a preliminary plat for fifty-five (55) lot 301 acre single family development generally located along the northeast extension of Coronado Drive and west of Harper Road and a variance to Article 10-IV-3A(5 and 6) of the Subdivision Regulations. Zoned: ETJ. (File No. 2007-14)

APPLICANT(S): Matkin-Hoover Engineering for Phoenix Summit Ltd.

ATTACHMENT(S): Plat, Variance Request

SUMMARY STATEMENT – FINDING OF FACT

Project/Timeline:

- January 18, 2007 – Concept plan for Wenzel/Hartman Tracts presented to the Commission.
- February 2, 2007 – Preliminary plat and variance requests for the Wenzel Tract submitted to the City. Preliminary plat deemed incomplete and not accepted for review.
- February 12, 2007 – Commission hears and approves an amendment to the City's Thoroughfare Plan for the Wenzel Tract.
- February 22, 2007 – Preliminary plat for the Wenzel Tract resubmitted. Based on an 'Agreement of Understanding' between the City and developer, the preliminary plat is deemed complete and accepted for review.
- February 28, 2007 – Development Review Committee (DRC) process completed.
- March 1, 2007 – Commission hears and approves a waiver request regarding sanitary sewer connections for the Wenzel Tract.
- March 13, 2007 – City Council adopts a Developers Agreement for the Wenzel Tract.
- **March 15, 2007 – Consideration of Preliminary plat and variance request by Commission.**

Variance:

As part of the review and consideration of the preliminary plat for this development, the applicant is requesting a variance to Article 10-IV-3, Section A, (5 and 6) of the Subdivision Regulations, see applicants letter dated March 6, 2007, relating to cul-de-sac.

Article 10-IV-3, Section A (5 and 6) of the Subdivision regulations states that;

5. Turn-around (Cul-de-sacs) Minor terminal streets or courts designed to have one end permanently closed (cul-de-sac) shall be no more than six hundred (600) feet long unless necessitated by topography. They shall be provided at the closed end with a turn-around having an outside roadway pavement diameter of at least eighty (80) feet and street right-of-way diameter of at least one hundred (100) feet.
6. Topographic Restrictions In cases where topography or other physical conditions make a street of the required minimum width impractical, the City Planning Commission may modify the above requirements.

The applicant in their request states that the geometry and natural topography of the site does not allow for strict compliance with these regulations. In addition, the applicant refers to the limited number of lots being served by each cul-de-sac and that turn-arounds at the end of each street will be provided.

Based on the overall low density of this development, the average lot sizes proposed, the limited number of lots served by each cul-de-sac and the natural topography of the site, staff recommends approval of the variance request as presented.

Preliminary Plat:

The applicant is proposing a 55 lot single family development on approximately 301 acres located along the northeast extension of Coronado Drive and west of Harper Road. The City and the developer have entered into a "development Agreement" for this project that addresses annexation, future zoning, water service, compliance with the thoroughfare plan and private street construction and maintenance.

RECOMMENDED ACTION

Staff recommends approval of the variance request as submitted and discussed above and the preliminary plat subject to the following conditions,

1. Show all existing and proposed easements with dimensions,
2. Show all proposed private streets as utility and access easements,
3. Provide a note on the face of the plat indicating ownership and maintenance of all common areas, detention areas, etc.,
4. Provide a note on the face of the plat that states, All lots within this development will be served by private on-site Sewage Disposal Systems,
5. Submit for review and approval a preliminary list of proposed street names,
6. Onsite easements will be required for franchise utilities, the location and size of these easements will be determined with final construction plans,
7. The standard utility companies signature block may need to be amended to cover the necessary easements for this development,
8. Provide all other necessary signature blocks on the final plat,
9. Provide access by easement to all detention areas shown on the plat, contact City Engineer for requirements,

10. A portion of 'Las Cimas Blvd.', the east/west collector road, is outside the boundaries of this plat. On the final plat include the area within the boundaries of the plat or provide volume and page of the easement document providing access to this development. (Also provide a copy of the filed document.) This same condition applies to the Coronado Drive extension.
11. Any additions and/or alterations to the engineering plans as required by the City Engineer; and
12. Conformance with the Parkland Dedication Ordinance as may be required by Article 10-IV-3 (C) 1.

The following comments are provided for informational purposes only;

- Please note that detailed drainage plans and computations will be required at the time of the final plat and civil construction plan submittal,
- Since it appears that this development will be gated, adequate turn-arounds must be provided to allow vehicles that are denied access to turn around without having to back into a public street,
- All electronic gates will need an electronic Knox key override and fail safe on the gate in case of power failure for emergency vehicle access,
- If gates are manual they will need an Knox lock interlock with private lock for emergency vehicle access,
- All gates will need a total horizontal clearance width minimum of 20-feet and vertical clearance of 13'6",
- The private drives may need to be marked as a 'Fire Lanes', see the Fire Marshal,
- Show radius on all corners, 25-feet on the inside, 50-feet on the outside,
- Fire hydrants will be needed every 500-feet measured along the street right-of-way.

**BUSINESS OF THE PLANNING AND ZONING COMMISSION
CITY OF KERRVILLE, TEXAS**

AGENDA ITEM: 7A **FOR AGENDA OF:** March 15, 2007

DESCRIPTION: Future Agenda Items/Project Update

APPLICANT(S): Gordon Browning, Senior Planner

ATTACHMENT(S):

As of this writing the April 5, 2007 meeting agenda will consist of the following;

Residential Replat: Comanche Trace Phase 2, Section 3 – Replatting one (1) lot into two (2) single family building sites, 2.82 acres located at 3704 Club View Court.